

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JEFFREY FORTER,

Plaintiff,

vs.

Civil No. 04-791 BB/RHS

ELMER BUSTOS, et al.,

Defendants.

ORDER DENYING CROSS-MOTIONS FOR SUMMARY JUDGMENT

THIS MATTER comes before the Court on consideration of Plaintiff's Motion for Partial Summary Judgement [sic], filed November 17, 2004 [**Doc. 15**], Defendants' Response, [sic] to Plaintiff's Motion, and Cross Motion for, Summary Judgment, filed March 30, 2005 [**Doc. 31**] and the Magistrate Judge's Proposed Findings and Recommended Disposition ("PFRD"), filed May 10, 2007 [**Doc. 52**]. No objections have been filed to the PFRD. Having considered the same, the Court finds that the proposed findings of the Magistrate Judge will be adopted and the parties' cross-motions for summary judgment will be denied without prejudice to either party's right to re-file a motion for summary judgment or other appropriate pleadings.

WHEREFORE,

IT IS ORDERED that the proposed findings of the United States Magistrate Judge [**Doc. 52**] are adopted by the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for Partial Summary Judgement [sic] [**Doc. 15**] and Defendants' Response, [sic] to Plaintiff's Motion, and Cross Motion for, Summary Judgment [**Doc. 31**] be **denied** without prejudice.



UNITED STATES DISTRICT JUDGE